

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
EASTERN DIVISION**

ROBERT HOLMAN,)	
)	
Plaintiff,)	
)	
v.)	No. 1:21-cv-01085-STA-jay
)	
THOMAS J. VILSACK, in his official)	
capacity as Secretary of Agriculture;)	
and ZACH DUCHENEAUX, in his official)	
capacity as Administrator of the Farm)	
Service Agency,)	
)	
Defendants.)	

**DEFENDANTS' MOTION FOR AN ADMINISTRATIVE STAY PENDING
RESOLUTION OF DEFENDANTS' STAY MOTION**

Concurrent with this motion, Defendants filed a motion to stay all proceedings in this case. ECF No. 45. Defendants also respectfully request an administrative stay of existing deadlines in the case pending the Court's ruling on the motion to stay proceedings.

As reflected in Defendants' motion to stay, in light of a class certified in the U.S. District Court for the Northern District of Texas to challenge Section 1005 of the American Rescue Plan Act (ARPA)—which encompasses and would bind Plaintiff here—proceedings in this case should be stayed altogether. Pending the Court's decision on Defendants' that larger stay motion, Defendants also respectfully request that the Court enter a brief administrative stay pending resolution of Defendants' stay motion and vacate the current deadlines, including the July 22 deadline to submit a joint proposed scheduling order, *see* PI Order 25, ECF No. 41, and the scheduling conference set for August 5, 2021, ECF No. 44.

Good cause exists to grant this temporary stay. As set forth in Defendants' motion to stay proceedings, Plaintiff's lawsuit is duplicative of other litigation proceeding on his behalf. Although Plaintiff opposes Defendants' motion for a stay, an administrative stay pending resolution of that motion is appropriate to avoid potentially needless expense to the parties and the Court to determine an appropriate scheduling order in a case that the Court may stay altogether. Should the Court ultimately deny Defendants' separate motion to stay proceedings, the parties may propose a case schedule at that time.

Dated: July 14, 2021

Respectfully submitted,

JOSEPH C. MURPHY, JR.
Acting United States Attorney

s/ Audrey M. Calkins

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Counsel for Defendants

CERTIFICATE OF CONSULTATION

I certify that counsel for Defendants conferred with counsel for Plaintiff regarding this Motion, who indicated that Plaintiff will oppose this Motion.

s/ Kyla M. Snow